



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Suffolk City Transit Lines, Inc.

File: B-237083

Date: January 19, 1990

DIGEST

1. Sixth lowest bidder protesting maximum age requirement for buses used in providing solicited bus service is not an interested party under Bid Protest Regulations, where the firm would not have been in line for award even if protested restriction were omitted. Protester's unsupported allegation of unspecified challenges against lower bidders is not sufficient to establish that protester would be in line for award if its protest were sustained.
2. Contention that agency treated protester unfairly in administration of prior contract involves a matter of contract administration not cognizable under Bid Protest Regulations.

DECISION

Suffolk City Transit Lines, Inc., protests the requirement in invitation for bids No. 62470-89-B-2511, which the Department of the Navy issued for hourly chartered and school bus services, that the contractor's charter buses be not more than 10 model years old. Suffolk, which says that it has provided chartered bus service to the Navy under two successive contracts since 1984, complains that although all of its buses are more than 10 years old they are well-maintained, so that the restriction is unnecessary.

We dismiss the protest.

The Navy held bid opening shortly after Suffolk filed its protest, and received seven responsive bids. Suffolk submitted a bid despite the restriction in issue, and was sixth lowest, at \$247,410; Suffolk's bid price of \$90,000 for charter bus service tied for highest for that item.

To be eligible to pursue a protest, a firm must be an interested party within the meaning of our Bid Protest Regulations, 4 C.F.R. §§ 21.0(a) and 21.1(a) (1989).

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A protester, generally, is not an interested party where it would not be in line for award if its protest were sustained. Seals Servs., Inc., B-235523, June 20, 1989, 89-1 CPD ¶ 581. It is apparent from Suffolk's protest that the firm's bid was based on providing service with its older buses, and Suffolk does not suggest that the lower bidders were offering charter buses other than ones that met the 10-model-year requirement. Since Suffolk would not be in line for award even if the protest were sustained, the firm is not an interested party within the meaning of our Regulations.

Suffolk states it understands that a challenge has been made to disqualify certain bidders which, if sustained, would improve Suffolk's relative position. This unsupported allegation of unspecified challenges to the other bidders, however, is inadequate to establish that Suffolk would be in line for award if its protest were sustained.

Finally, Suffolk complains that the Navy has treated the firm unfairly in connection with the administration of Suffolk's contracts. Suffolk's contentions regarding the propriety of the administration of its prior contract involve a matter of contract administration not cognizable under our Bid Protest Regulations, 4 C.F.R. § 21.3(m)(1).

The protest is dismissed.



Robert M. Strong
Associate General Counsel